

Amendments to the Drawings:

Replacement sheets for FIGS. 1-4D are enclosed which formalize the drawings that were submitted with the application. No other changes have been made. Approval by the Examiner is respectfully requested.

Attachment: Replacement Figures 1-4D

REMARKS

Examiner has rejected claims 1-5, 8-14, and 17-19, under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,319,542 to King, Jr. et al for reasons set forth therein.

Applicant respectfully submits that independent claims 1 and 10 from which the remaining claims dependent at least ultimately, are not suggested by the King et al reference. In particular, the invention as set forth in claims 1 and 10 are directed to a method or system for ordering merchandise or communication network among a plurality of merchandise providers from a plurality of word terminals.

Each of the order terminals are associated with and under the control of one of a plurality of business entities wherein the business entity has a pre-established business relationship with at least one of the plurality of merchandise providers. Information is maintained with respect to the business relationship between the merchandise providers and the plurality of business entities. These business relationships can either be friendly, neutral or adverse with respect to each of the plurality of order terminals. Thus, the business relationships are associated in particular with particular order terminals as they relate to who controls that particular order terminal. Claims further set forth the providing of an offering at one of the plurality of order terminals based on the pre-established business relationship associated with the one order terminal in response to an order placed at the order terminal.

In the present invention, it is possible to place an order at the order terminal, wherein goods or services may be ordered with respect to a competing provider. The provider may be a friendly, neutral or adverse with respect to the owner and controller of the order terminal. The King et al reference is simply directed to customers 102 that are associated with suppliers 100. In King et al, the goods and services being provided are simply associated with the supplier. While King et al discloses there may be corporate contract discounts, these are based on preferred suppliers with respect to the purchaser; see column 4, lines 20-23. The special cataloges are provided to the customer in relationship to the supplier.

This is in contrast to the present invention, where it is a specific order terminal that is related to a business entity who controls that specific order terminal. In the present invention, the order terminal may be placed at various locations and provide goods or services with competing providers. As set forth at page 6, lines 10-26, of the present application that when an order terminal, such as a kiosk, is placed in a first store location, that order terminal may be associated with the retailer in which it is located or a totally different business entity. The business relationship may be friendly, neutral or competitive. Therefore, the offering displayed on the screen is customized in view of the business relationship between the business entities associated with the order terminal and the merchandise providers 60. This is not taught or suggested in King et al. What is taught and disclosed in King et al is a typical relationship between a supplier and a purchaser wherein the purchaser is granted a particular discount based on its relationship between customer and supplier. This is in contrast where the business relationship is based on control of the order terminal, which may be influenced by the location of the order terminal. Based on the business relationship, the custom offering displayed at the order terminal may (1) restrict the providers identified at that order terminal, (2) control the placement of the providers on the display and/or (3) provide different pricing structures depending on the business relationship. The King et al reference does not teach or suggest that the business relationship may be friendly, neutral or adverse or that providing of custom offerings based on particular order terminal from which the order is being placed.

In view, the foregoing, it is respectfully submitted that the King et al reference does not anticipate the present invention as currently set forth.

The Examiner also rejected dependent claims 6-7 and 15-16, under 35 U.S.C. as being unpatentable over King et al, as applied above. Examiner argues that Perkowski teaches a computer used to access a virtual sales agents in which can be placed in a retail store. As previously discussed, the King et al reference does not teach or suggest the invention as set forth in independent claims 1 and 10 and therefore, in addition, as previously discussed, there is no teaching or suggestion in King et al of providing the claim invention as currently set forth. The Perkowski, et al reference, which the Examiner refers to does not teach or suggest anything that would render the independent claims obvious.

In view of the foregoing, Applicant respectfully submits that the claims in the present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli", written in dark ink.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.